

# Order

**Michigan Supreme Court  
Lansing, Michigan**

March 22, 2011

Robert P. Young, Jr.,  
Chief Justice

ADM File Nos. 2008-29, 2008-43

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

Amendments of Rules 3.807,  
3.921, and 5.402 of the  
Michigan Court Rules

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On order of the Court, the following amendments of Rules 3.807, 3.921, and 5.402 of the Michigan Court Rules are adopted, effective immediately.

[Additions are indicated by underlining and deletions are indicated by overstriking.]

## Rule 3.807 Indian Child

(A) [Unchanged.]

(B) Jurisdiction, Notice, Transfer, Intervention.

(1)-(2)[Unchanged.]

(3) The Indian custodian of the child and the Indian child's tribe have a right to intervene at any point in the proceeding for foster care placement or termination of parental rights pursuant to 25 USC 1911(c).

(C) [Unchanged.]

## Rule 3.921 Persons Entitled to Notice

(A)-(C)[Unchanged.]

(D) Putative Fathers. If, at any time during the pendency of a proceeding, the court determines that the minor has no father as defined in MCR 3.903(A)(7), the court may, in its discretion, take appropriate action as described in this subrule.

- (1) [Unchanged.]
- (2) After notice to the putative father as provided in subrule ~~(C)~~(D)(1), the court may conduct a hearing and determine, as appropriate, that:
  - (a)-(b)[Unchanged.]
  - (c) there is probable cause to believe that another identifiable person is the natural father of the minor. If so, the court shall proceed with respect to the other person in accord with subrule ~~(C)~~(D).
  - (d) [Unchanged.]
- (3) [Unchanged.]

(E) [Unchanged.]

#### Rule 5.402 Common Provisions

(A)-(D)[Unchanged.]

(E) Indian Child; Definitions, Jurisdiction, Notice, Transfer, Intervention.

- (1) If an Indian child, as defined by the Indian Child Welfare Act, 25 USC 1903, is the subject of a guardianship proceeding ~~under the Estates and Protected Individuals Code~~, the definitions in MCR 3.002 shall control. ~~This does not include guardianships established under the Juvenile Code and MCR 3.979.~~

(2)-(4)[Unchanged.]

Staff Comment: The amendments of MCR 3.807, 3.921, and 5.402 have been made to clarify former language and to correct cross references.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 22, 2011

*Corbin R. Davis*  
Clerk